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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,993	09/11/2003	Michael A. Sharo	CE11149JI211	4645

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MOTOROLA, INC
INTELLECTUAL PROPERTY SECTION
LAW DEPT
8000 WEST SUNRISE BLVD
FT LAUDERDAL, FL 33322

EXAMINER	
TRINH, TAN H	
ART UNIT	**PAPER NUMBER**
2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/659,993	SHARO, MICHAEL A.	
	Examiner	Art Unit	
	TAN TRINH	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 December 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alford (U.S. Patent No. 5722070) in view of Vegh (U.S. Pub. 20040127263).

Regarding claim 1, Alford teaches a method for providing a reply to a dispatch call transmitted by a first radio (fig. 1-2, col. 2, lines 32-40), comprising the steps of:

(a) receiving the dispatch call at a second radio (see fig. 1-2 and 10, col. 2, lines 32-40);

(b) Alford teaches the transmitting a voice message by the second radio on the reply to the call by merely pressing their push to take buttons (see fig. 1-2 and 10, col. 2, lines 32-40). But Alford does not mention the transmitting a preprogrammed (pre-stored) message.

However, Vegh teach the transmitting a preprogrammed (pre-stored) message (see fig. 1-2, and fig. 4, on step 470 with reply the call with a pre-stored message, page 3, sections [0029 and 0032]). In this case, the user configures and /or instructs the MS 200 to reply the call with transmitting a preprogrammed (pre-stored) message (see page 3 sections [0029-0030]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Alford with Vegh, in order to provide user with to transmit a message to a calling party without operating phone when MS phone may be restricted (see suggested by Vegh on page 3, section [0029]).

Regarding claim 2. Vegh teaches the reply is performed automatically (see page 3, section [0029] lines 2).

Regarding claim 3. Vegh teaches the voice message transmitted in step (b) is selected from amongst a plurality of voice messages stored in the second radio (see fig. 2, page 2, sections [0017-0019]).

Regarding claim 4. Vegh teaches the second radio stores a record of the voice message that was transmitted (see page 3, sections [0029 and 0032]).

Regarding claim 5. Vegh teaches the record of the voice message transmitted is stored in a recent calls list (see fig. 2, call list 268, page 2, section [0020]).

Regarding claim 6. Vegh teaches the user of the second radio manually selects the preprogrammed message that is transmitted (see page 2, section [0018]). In this case, sine the user is selectable of the list and configured of the predefined message that is read on the user manually selects the message.

Regarding claim 7, Alford teaches to transmit once the radio user activates a Push-To-Talk (PTT) switch located in radio (see fig. 9, Push-To-Talk (PTT) switch 904, col. 2, lines 38-40).

Regarding claim 8. Vegh teaches the preprogrammed message transmitted in step (b) is a voice message that is recorded by the user of the second radio (see fig. 2-3, message generator 230 and message server 340 in the MS phone, that recorded by the user of the MS 200 phone, page 2, section [0025-0026]). Noted: the page 2, section [0025] the message server is 340 and it is not *350 (printing error)*, and the server is located in MS200.

Regarding claim 9. Vegh teaches the voice message transmitted in step (b) is selected from amongst a plurality of voice messages stored in the second radio and the voice message transmitted in step (b) is automatically transmitted and selected given the identification number of the first radio (see fig. 2, page 2, section [0018-0020). In this case the identification number of the first radio for reply is selected on the property list of the preference list.

Regarding claim 10, Alford teaches a radio that can transmit and receive dispatch calls (see fig. 2 and 8), comprising: a receiver (804); a transmitter (806) coupled to the receiver (804 (see fig. 8, transceiver 800); a memory (810) coupled to the receiver (804) (see fig. 9, memory 810), stored within the memory is at least one message check in message (see fig. 8, col. 9, lines 23-35); and responsive to a dispatch call being received at the receiver that was transmitted by a second radio (see (see fig. 1-2, 8 and 10, col. 2, lines 32-40 and col. 9, lines 17-65). But Alford is not mention a memory is stored at least one preprogrammed (pre-stores) message, using the transmitter to transmit the at least one preprogrammed (pre-stores) message of the second radio.

However, Vegh teach a memory is stored at least one preprogrammed (pre-stores) message (see fig. 2-3, message server 240 and storage 345 and memory 260, stored at least one preprogrammed message, page 2, sections [0025-0026]) and using the transmitter to transmit the at least one preprogrammed (pre-stores) message of the second radio (see fig. 1-2, and fig. 4, on step 470 with reply the call with a pre-stored message, page 3, sections [0029 and 0032]). In this case, the user configures and /or instructs the MS 200 to reply the call with transmitting a preprogrammed (pre-stored) message (see page 3 sections [0029-0030]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Alford with Vegh, in order to provide user with to transmit a message to a calling party without operating phone when MS phone may be restricted (see suggested by Vegh on page 3, section [0029]).

Regarding claim 11, Vegh teach the at least one preprogrammed voice message is automatically transmitted by the transmitter upon the dispatch call being received at the receiver (see page 3, section [0029]).

Regarding claim 12, Vegh teach the at least one preprogrammed voice message is transmitted after the dispatch call has been received at the receiver and after it has been manually selected (see fig. 4, page 2, section [0018]). In this case, sine the user is selectable of the list and configured of the predefined message that is read on the user manually selects the message.

Regarding claim 13, Alford teaches the radio can receive both dispatch calls and cellular calls (see fig. 2, col. 2, lines 6-12, lines 32-43, and col. 3, lines 22-64, and col. 6, lines 345-54).

Regarding claim 14, Vegh teach the at least one preprogrammed message is recorded by the user of the radio (see fig. 2-3, message generator 230 and message server 340 in the MS phone, that recorded by the user of the MS 200 phone, page 2, section [0025-0026]). Noted: the page 2, section [0025] the message server is 340 and it is not *350 (printing error)*, and the server is located in MS200.

Regarding claim 15, Alford teaches a radio that can receive both half-duplex dispatch and full-duplex cellular calls (see fig. 2, 8 and 10, col. 2, lines 6-12, lines 32-43, and col. 3, lines 22-64, and col. 6, lines 345-54), the radio comprising: a memory (810), stored within the memory are a plurality of filed, ID and check-in messages (see fig. 8, col. 9, lines 23-35); a transmitter (806); a receiver (804) coupled to the transmitter (806) and memory (810) (see fig. 8, transceiver 800). Alford teaches the transmitting a voice message by the second radio on the reply to the call by merely pressing their push to take buttons in response to the receiver receiving a dispatch call (see fig. 1-2 and 10, col. 2, lines 32-40). But Alford is not mention a memory is stored at least one preprogrammed (pre-stores) message and the transmitter automatically transmits one of the plurality of preprogrammed (pre-stores) message.

However, Vegh teach a memory is stored at least one preprogrammed (pre-stores) message (see fig. 2-3, message server 240 and storage 345 and memory 260, stored at least one preprogrammed message, page 2, sections [0025-0026]) and the transmitter automatically

transmit one of the preprogrammed (pre-stores) message of the second radio (see fig. 1-2, and fig. 4, on step 470 with reply the call with a pre-stored message, page 3, sections [0029 and 0032]). In this case, the user configures and /or instructs the MS 200 to reply the call with transmitting a preprogrammed (pre-stored) message (see page 3 sections [0029-0030]).

Regarding claim 16, Vegh teach the radio user instead of selecting the automatic reply mode places the radio in a manual response mode which allows the radio user to select from amongst the plurality of preprogrammed voice messages the message the user wants to transmit in response to receiving the dispatch call (see fig. 4, page 2, section [0018]). In this case, sine the user is selectable of the list and configured of the predefined message that is read on the user manually selects the message.

Regarding claim 17, Vegh teach having one of the plurality of preprogrammed messages being automatically transmitted in response to receiving the dispatch call the user of the radio with the automatic reply mode (see fig. 1-2, and fig. 4, on step 470 with reply the call with a pre-stored message, page 3, sections [0029 and 0032]). Alford teaches the radio can respond to the dispatch call with press to talk button and begin communications with the radio that sent the dispatch call (see fig. 1-2 and 10, col. 2, lines 32-40). In this case, the combination of the teaching of Vegh and Alford are read on the claim invention.

Regarding claim 18, Vegh teach the radio user manually selects one of the plurality of preprogrammed voice messages and transmit the manually selected message in response to

receiving the dispatch call (see fig. 4, page 2, section [0018]). In this case, sine the user is selectable of the list and configured of the predefined message that is read on the user manually selects the message.

Regarding claim 19, Vegh teach the plurality of preprogrammed voice messages are programmed by the radio user (see fig. 2-3, message generator 230 and message server 340 in the MS phone, that recorded by the user of the MS 200 phone, page 2, section [0025-0026]). Noted: the page 2, section [0025] the message server is 340 and it is not *350 (printing error)*, and the server is located in MS200.

Regarding claim 20, Vegh teach the plurality of preprogrammed voice message are labeled and are selected using a menu (fig. 2, preferences 265 and properties list 268, page 2, sections [0027-0028]). In this case the labeled is arranged by user list, user name and an address to the predefined message.

Response to Arguments

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to the Customer Service Window (now located at the **Randolph Building, 401 Dulany Street, Alexandria, VA 22314).***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.

The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh
Division 2618
April 1, 2007

PATENT EXAMINER
TRINH,TAN